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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,326	03/24/2000	Min Ho Cha	5387-3	1618

20575 7590 11/20/2002

MARGER JOHNSON & MCCOLLOM PC  
1030 SW MORRISON STREET  
PORTLAND, OR 97205

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/509,326

Applicant(s)

CHA, MIN HO

Examiner

Harish T Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,7-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The amended application has been reviewed and claims 3-4, 6 and 12 are canceled by the applicant. Claims 1-2, 5, 7-11 and 13 are pending. The rejections are as stated below.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 5 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al (hereinafter Potter: US Pat. 5,787,402), Guttermann et al (hereafter Guttermann: US Pat. 5,297,031) and E\*TRADE Securities, Inc.**

Regarding Claims 1-2, 5 and 11 Potter discloses a methods and system for performing automated financial transactions in real-time for trading of foreign currencies and the like through data communication network comprises the steps of: determining a trade-desired object (transaction the customer desires) and inputting an automatic trade condition containing purchase and selling conditions in a computer system; issuing (released trade) purchase or selling order(s) according to the automatic trade conditions through the data communication network; determining whether the purchase order or

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selling order has been contracted through the data communication network; and placing new (new orders) purchase or selling order(s) by the computer through the data communication network (central computer, tcp/ip, router, server, etc.) according to the automatic trade conditions when either the purchase order or the selling order is contracted. (ABs; figures 1-29; C1 L5 to C2 L16; C2 L64 to C3 L45; C7 L9-L15; C8 L29-L47; C13 L34-L50; C14 L54 to C15 L35; C16 L5-50; and C21 L8-L11).

Additionally, Potter, discloses computer system connected to a data communication network, the method comprising the steps of: determining a trade-desired stock and inputting an automatic trade condition including purchase and selling conditions at the computer system; placing through the data communication network a stock (currency) purchase order or stock (currency) selling order according to the trade condition; determining whether the selling/purchase orders has been contracted through the data communication network; and placing by a commuter through the data communication network a new stock selling or purchase order according to the automatic trade condition when the stock selling or purchase order is contracted. (C1 L5 to C2 L16; C2 L64 to C3 L45; C7 L9-L15; C8 L29-L47; C13 L34-L50; C14 L54 to C15 L35; C16 L5-50; and C21 L8-L11).

Further, Potter, discloses placing through the data communication network one or more (plurality of second currencies) than one stock selling order(s) and one or more than one stock purchase order(s) according to the trade condition. Likewise, he discloses, an automatic ordering system of stocks, the system including a user computer system connectable to a computer system at the Korea Stock Exchange

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through a data communication network, the system comprising: a user interface at the user computer system; a memory device for storing a basic information data including item code of stock and account number of a stock holder input to the computer system through the user interface; a trade condition control module for storing automatic stock trade condition data containing desired selling price, desired selling quantity, desired purchase price, desired purchase quantity for trade of the stock input to the computer system through the user interface; and a trade order control module for discriminating (differentiate) whether the automatic stock trade condition has been met and for placing a stock trade order according to the automatic stock trade condition through the data communication network if the condition is met (C1 L5 to C2 L16; C2 L64 to C3 L45; C7 L9-L15; C8 L29-L47; C13 L34-L50; C14 L54 to C15 L35; C16 L5-50; and C21 L8-L11). Potter fails to disclose automatic trade condition for selling price, selling quantity, purchase price, purchase quantity, new price, executed without the intervention of the user, the new selling order price higher than the contracted price, and the new purchase order price is lower than the contracted price, trading of stocks, bonds, items, futures, options, indexes and computer system.

However, Gutterman discloses computer-based techniques for managing orders for trading instruments such as: stocks, bonds, stock options, futures options and futures contracts. Further, Gutterman discloses trading order, bid/offer (purchasing/selling) price, quantity, current price (new price), and price limit order (C2 L5-L11; C2 L44 to C4 L13; C5 L20-L50; C7 L1-L15; C10 L34-L50) and system configuration accepting incoming orders automatically without broker action (C11 L14-

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L18). Further, E\*TRADE discloses E\*TRADE web (data communication network) and portfolio management system, stock and options and securities. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Potter to include the automated order system, price limit order and trading of bonds, items, futures, and indexes to its automatic ordering system/method, as taught by Gutterman and E\*TRADE. Therefore any online security broker or brokerage firm who provides web based (automatic ordering system) services with wide range of securities to its customer can including such securities as: price limit order, stocks, bonds, items, futures, options, indexes, etc. to its investment and business strategy and can connect (login) to its affiliated stock exchange facility (computer) to get updated quotes, enhance business, provide financial security of customer investment (limit risk) and wide range of investment choices to select from.

Regarding Claims 8-10 Potter discloses that the automatic ordering condition comprises one of desired (customer desire) selling price/selling quantity (amount) or desired purchase price/purchase quantity (amount); extra trade condition and Wherein the step of placing through the data communication network at least one or more than one stock selling and purchase order according to the trade condition further comprises a step of checking whether or not the trade condition has been satisfied before placing an order, and notifying to a user an error if the condition is not met. Potter fails to, explicitly, teach, a target profit rate and further comprises a step of calculating a profit rate according to the automatic trading before a computer places a

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new stock (currency) selling order and purchase order in case the stock selling order or a stock purchase order is concluded to thereafter compare same with the target profit rate. Official notice has been taken that the Potter's new order entry forms (Fig. 24-25) are computer screen with labels and data entry fields. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the teaching of Potter and include the steps for profit rate and comparison of profit rate with target profit rate. These comparisons may be useful and provide a method for the user to evaluate its expectation vs. gains for his/her next trade. (Figures 24-25, col. 7 line 29-52; col. 14 lines 64 thru col. 15 line 5).

**Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter, Gutterman, E\*TRADE Securities, Inc. and further in view of Braddock (U.S. Patent 4,412,287)**

**Regarding Claims 7 and 13, Potter discloses that the automatic ordering condition further comprises a condition for limiting an order timing, and the step of placing a selling order or purchase order (col. 12 line 66 thru col. 13 line 10). Both Potter and E\*TRADE fail to teach the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table, where an automatic trade order is generated from the base of the automatic trade table. However, Braddock discloses that "The lists are then compared matching the first round lot buy (at the highest**

price)...” and “The operation of the exchange can be illustrated by the following examples of trading in a single stock. The examples are purposely simplified ...” (col. 2 line 58 thru Col. 3 line 15; Columns 10-15). It would have been obvious to one of ordinary skill in the art at the time the Applicant’s invention was made to modify the teaching of both Potter and E\*TRADE to include the step of comparing the present price with a set-up selling price or purchase price before placing an order and a step of drawing up an automatic trade table where an automatic trade order is generated from the base of the automatic trade table, as taught by Braddock. It is very common practice in data processing area to extract (select) desired tables from databases main table. The Database computer programmers routinely use database query language (SQL) and create tables from based table. Since database engines are capable to search and compare two or more dynamic (changing) values faster than manual comparison and create new tables. Therefore, it is economical and makes business sense to automat these step using database engines. Another advantage computer has is this computer can do this task at the background with out and discomfort to the user. The result can be show on the screen.

### ***Response to Arguments***

2. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass  
Examiner  
Art Unit 3628

November 15, 2002



Hyung-Soo Sough  
Primary Examiner